

REMARKS

The Office Action mailed on July 14, 2006, has been reviewed and the comments of the Patent and Trademark Office have been considered. Prior to this paper, claims 1-18 were pending. By this paper, Applicants cancel claims, 2, 8, 18 and 19, and add claims 20 and 21. Therefore, claims 1, 3-7, 9-17 and 20-21 are now pending.

Support for the amendments to the claims may be found, among other places, on pages 32-35 of the specification as originally filed.

Applicants respectfully submit that the present application is in condition for allowance for at least the reasons that follow.

Interview of November 09, 2006

Examiner Weiskopf and Mr. Thomas Black are thanked for extending the courtesy of an interview to Applicants' representatives on November 09, 2006.

In view of the personal interview held on November 09, 2006, Applicants submit that the Interview Summary (a copy of which is attached in Appendix A) provides a complete and proper recordation of the substance of the interview, per MPEP §713.04.

Rejections Under 35 U.S.C. § 102

Claims 1-6, 15 and 19 stand rejected under 35 U.S.C. §102(b) as being anticipated by Kobayashi (United States Patent No. 6,014,595). In response, in order to advance prosecution and without prejudice or disclaimer, Applicants have amended independent claim 1, as seen above, to include the recitations of cancelled claim 8 and additional recitations, amend claim 17 in a similar fashion, and respectfully submit that the above claims are allowable for at least the reasons that follow.

Applicants rely on MPEP § 2131, entitled “Anticipation – Application of 35 U.S.C. 102(a), (b), and (e),” which states that a “claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference.” Section 103 amplifies the meaning of this anticipation standard by pointing out that anticipation requires that the claimed subject matter must be “*identically* disclosed or described” by the prior art reference. (Emphasis added.) It is respectfully submitted that Kobayashi does not describe each and every element of any claim now pending.

Claim 1 now recites that the apparatus is adapted to: (a) provide the vehicle a first desired yaw-moment controlled variable to avoid deviating from the driving lane in the event that the apparatus cannot detect a lane marking line and the vehicle is traveling on the predetermined irregularities formed on or in close proximity to either one of a left-hand side lane marking line and a right-hand side lane marking line of the driving lane; (b) provide a second desired yaw-moment controlled variable to avoid deviating from the driving lane in response to the host vehicle’s lane deviation tendency detected based on lane marking line detection; and (c) correct the second desired yaw-moment controlled variable to a large value when the vehicle is traveling on the predetermined irregularities formed on or close to either one of a left-hand side lane marking line and a right-hand side lane marking line of the driving lane.

Kobayashi does not teach or suggest recitations “a,” “b,” and “c.” Thus, Kobayashi does not anticipate claim 1, or any claims that depend therefrom. Also, Kobayashi does not anticipate method claim 17, which has been amended in a manner similar to claim 1.

Claim Rejections Under 35 U.S.C. §103(a)

In the Office Action, Claim 7 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Kobayashi in view of Kinoshita (U.S. Patent No. 6,057,754), while claims 8-10 and 16 are rejected in view of the combination of Kobayashi and Satoh (U.S. Patent No. 6,489,887), and claims 11 and 12 are rejected in view of the latter combination when further combined with Matsuda (U.S. Patent No. 6,216,079). Claims 13 and 14 are rejected in view

of the combination of Kobayashi and Matsuda. Claim 17 is rejected in view of the combination of Kobayashi with Pilutti (U.S. Patent No. 6,021,367). Also, claim 18 is rejected in view of the combination of Kobayashi with Kawazoe (U.S. Pub. No.: 2002/0013647).

As detailed above, claim 1 and claim 17 have been amended. Applicants respectfully submit that none of the combinations proffered in the Office Action disclose or suggest the invention as now claimed. The claims are allowable.

New Claims

As seen above, Applicants have added new claims 20 and 21. These claims further define the yaw moment controlled variables, and thus are allowable for this additional reason, as the cited references do not disclose or suggest such features.

Support for new claims 20 and 21 may be found, among other places, at pages 32-35 of the application as originally filed.

Conclusion

Applicants believe that the present application is now in condition for allowance. Favorable reconsideration of the application as amended is respectfully requested.

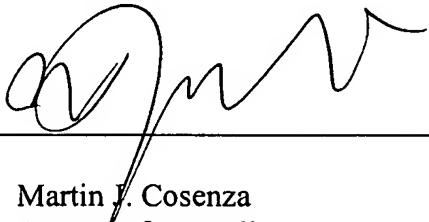
The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by a check or credit card payment form being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741. If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicants hereby petition for such extension under 37 C.F.R. §1.136 and authorizes payment of any such extensions fees to Deposit Account No. 19-0741.

Examiner Weiskopf is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

Respectfully submitted,

Date Dec 12, 2006

By



Martin J. Cosenza
Attorney for Applicant
Registration No. 48,892

FOLEY & LARDNER LLP
Customer Number: 22428
Telephone: (202) 295-4747
Facsimile: (202) 672-5399

APPENDIX A